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Brown v. Board of Education

Almost fifty years ago, on May 17, 1954, the honorable Supreme Court Chief Justice Earl Warren delivered the official majority opinion for the Supreme Court in the case of *Brown v. Board of Education* (of Topeka, Kansas). In Warren's carefully scripted opinion, he shattered the "separate but equal" doctrine that was born out of the 1896 *Plessy v. Ferguson* case, which had legalized segregation. The *Plessy* case had set the precedent for almost six decades that segregation in itself would not be a violation of the fourteenth amendment, as long as blacks enjoyed the same or equal accommodations to those which were being given to whites. The *Plessy* case had been simply a ruling as to whether having segregated railroad cars was acceptable, but it turned out to be a case that would have long-term ramifications on America's history and culture in the twentieth century. The Supreme Court's manipulation or interpretation of the Constitution seemed to have "put a nail in the coffin" for granting to Blacks the equal rights that were bitterly fought for by Republicans during Reconstruction.

During Teddy Roosevelt's tenure as President the following decade, he invited a Black leader, Booker T. Washington to the White House to discuss relations between Blacks and Whites. But for Roosevelt's noble gesture, he was bitterly chastised and so he refrained from inviting any more African-Americans to the White House. Public opinion won out. For the time being, Blacks had been silenced and would continue to lose their inalienable rights. In fact, the Supreme Court even refused to consider, acknowledge, or hear another case dealing with racial inequality until the mid 1930s when another Roosevelt was President, Franklin Delano Roosevelt. At this time, the

National Association for the Advancement of Colored People began its lawsuits, challenging the legality of segregation when conditions for Blacks were very much unequal. The 1930s was a time when the belief in Black inferiority in the country began dwindling.

Jesse Owens was a key figure in the dwindling belief of inferiority. His accomplishments at the 1936 Olympic Games in Berlin, Germany, in winning a number of gold medals made Americans take notice that Blacks were capable of great things after all, having disproved Adolph Hitler's notion that his White Aryan race was better than any other race, including Blacks. Then two years later, Joe Louis beat German boxer Max Schmeling, adding more acclaim to the Black cause. This was just the beginning of change. Americans also became impressed with the courage that many Blacks showed a few years later during World War Two. This was followed in 1947, when Major League Baseball finally took notice of a great second baseman, Jackie Robinson, who became an outstanding member of the Brooklyn Dodgers team. By 1948, President Harry S. Truman took notice of the worthiness of Blacks and ordered the integration of the Civil Service and the Armed Forces, along with the nation's capital, Washington D.C.

In the early 1950s, Thurgood Marshall, who would later become a Supreme Court Justice went along with the momentum of the Black cause. He was able to convince the NAACP to take a firm stand towards integration as the group's official policy. Soon after, the Supreme Court heard two cases, which dramatically increased the momentum for integration. They were *Sweatt v. Painter* and *McLaurin v. Oklahoma Board of Regents*. The *Sweatt* case provided a victory in the decision that segregation in law

schools was unconstitutional and the *McLaurin* case, enjoying similar results founded that segregation in graduate schools was unconstitutional.

Then on December 9, 1952, arguments in the case, which would attempt to integrate public schools, the case of *Brown et al. v. Board of Education of Topeka et al.* commenced. This case involved the State of Kansas' allowance of segregated public schools through the sixth grade. Students were kept segregated at the impressionable age when their minds could be influenced and controlled based upon their race. One thing to consider while reviewing this case or any other case for that matter, is that in retrospect, the outcome may seem clear, but there was no certainty that the Supreme Court would necessarily follow earlier precedents or follow the change in social culture. There was a risk by Marshall and the NAACP in bringing this case before the Supreme Court because if the Court decided to send the case back down to a lower court or even worse, to uphold the legality of "separate but equal," then it would take a long time before the High Court would hear another case on the same matter. But they were committed to the cause of social justice. There was a setback in the case, however, because the Justices were not sure how they would order relief for the integration. As a result, the Court postponed the case until the following year so that further consideration on the matter could take place.

At the time when the case reconvened on December 8, 1953, the composition of the Court had undergone an important change. The Chief Justice in the 1952 arguments unexpectedly died, but luckily a progressive Chief Justice, Earl Warren, who knew exactly how to take down segregation replaced him. He convinced justices in the case to base their decision to end segregation in public schools solely on its merits and consider relief at a later time. As a result, Warren was able to get a nine to zero unanimous vote to

end segregation. Warren, as well, was able to persuade other justices to suppress any personal feelings that they had, whether for or against his opinion and let the opinion stand unchallenged.

The Chief Justice delivered his majority opinion for the Court on May 17, 1954 declaring that segregation in public schools was unconstitutional. His opinion stood uncontested and one for the history books. But, in the media, controversy arose with much speculation that the Court had a hard time in arriving at a unanimous decision. But Warren, in his *Memoirs* rejected any claims of dissent in the Court. He stood firm and expressed that there in fact had never been a division of opinion at any time. He claimed in his opinion that *Plessy v. Ferguson* was reversed as a result of studies that found that segregated Black schools were not equally capable of providing the same quality education to all its students, as in White schools. Warren cited studies, which showed evidence of harm that was being done to the self-esteem of segregated Black students. The studies showed that segregation affected the psychological outlook of Blacks towards the world and as a result was a clear violation of the law.

In handling the wording of the Court's decision, Warren realized that he had to be careful in the way that he phrased the verdict. He did not want to make it seem as if segregation was always illegal and that the *Plessy v. Ferguson* decision was illegal in itself. He wanted to make it appear that the reason that segregation was being ended was because the times had changed and that the interpretation of the Constitution had to be adapted to the times, needs, and wants of the country. He claimed that the *Plessy* decision was correct for its time because they did not have the use in 1896 of the modern studies that were considered in the *Brown* case. Warren wrote the landmark decision in

clear and non-technical vocabulary so that anyone from any walk of life, regardless of education, wealth, or social status could understand it.

The *Brown* case, as it was correctly perceived was a social revolution and it divided the country. Northerners considered this to be a joyous, landmark decision, while Southerners believed that the decision was unconstitutional. Time Magazine claimed that no other case had “directly and intimately affected so many families.” Every Southern official pledged to disobey the decision, which created mass resistance. In *Brown II*, a year after Warren’s opinion, it was decided that the decision to integrate public schools should be carried out by lower federal courts “with all deliberate speed.” They believed that rushing integration would lead to chaos. But in not having rushed it, more resistance was able to build up to the point that only two percent of public schools were ever integrated. The *Brown II* decision led to more cases which involved going over the basic principle that segregation was illegal. The *Brown* case was not perfect, but it was a start. A fire for black equality had been lit and it would not be extinguished.

The *Brown v. Board of Education* decision was the beginning of making a “Dream” that Dr. Martin Luther King Jr. would later share, possible. The nature of this decision would not stop at trying to integrate schools. It would lead to a social revolution in which the “sons of former slaves and the sons of former slave-owners” would be able to join hands and finally become equal, as was originally deemed the purpose of the Constitution’s fourteenth amendment. Without this decision, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 would have been impossible. To commemorate the *Brown* decision on its fiftieth birthday on May 17, 2004, the one hundred and sixth Congress of the United States on September 18, 2001 authorized a “Brown v. Board of

Education 50th Anniversary Commission” to help promote awareness of the decision and to celebrate the landmark change that it has had on American history. A lesson that can be learned from the study of this case is that change does not come overnight. What is demonstrated here is that if enough people form an opinion and care about a certain issue, any kind of change is possible.

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